

## REGULAR MEETING

### DELAWARE COUNTY BOARD OF SUPERVISORS

SEPTEMBER 10, 2008

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, September 10, 2008 at 7:00 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present except Mr. Rowe.

Mr. Marshfield offered the invocation.

Mr. Bracci led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous meeting were accepted as presented.

The Clerk reported all communications received have been referred to their respective committees for review.

Chairman Eisel granted privilege of the floor to Mr. Hynes. He referenced the packet of information placed on each Supervisor's desk entitled: *Stream Corridor Management Plans: SEQR Process & More*. Mr. Hynes introduced Delaware County Planning Department (DCPD) Chief Planner Shelly Johnson-Bennett and Soil & Water Conservation District (SWCD) Stream Corridor Program Coordinator Scotty Gladstone.

Mr. Gladstone provided a powerpoint presentation and explained that for the last eight years SWCD has been working on stream management plans for the east and west branches of the Delaware Rivers under contract with New York City (NYC) and the time has come to adopt the plans. The vision behind the management plans is to empower communities to take ownership of stream corridor stewardship and management. Mr. Gladstone described the stream management plans as a road map of the future.

Mrs. Johnson-Bennett noted that stream management at a local level with the assistance and expertise of the SWCD and DCPD will allow for private property stakeholders to gain an understanding of natural stream functions and develop projects on their property that will not affect the function of the stream.

The goal of the stream management plans was to develop watershed management practices that are written from an accepted scientific approach. This allows for the stream management plans to be accepted by other agencies including the Army Corp of Engineers, the

Environmental Protection Agency (EPA) and New York City Department of Environmental Protection (NYCDEP).

Mr. Gladstone advised that project advisory committees have been established in each basin to help guide the process. In cooperation with the DCPD, the West Branch Delaware River plan was completed in May 2006 and the East Branch Delaware River plan was completed in December of 2007.

Mrs. Johnson-Bennett said the stream management plans were written as resource management plans that are intended to supplement existing land use tools already adopted in the individual communities and the County. Since these plans have been developed for use by each involved municipality the DEP and EPA have required that the plans be adopted by municipalities and Memorandums of Agreement (MOA) be entered into to open the doors for funding under sponsored stream programs.

The DCPD and SWCD have asked that the Board of Supervisors declare lead agency status for this project and coordinate the review with the other agencies and involved municipalities. A State Environmental Quality Review (SEQR) must be performed and a negative declaration is required. Upon completion of the necessary steps, the Board will be asked to adopt this as a Delaware County Resource Management Plan and each town and village involved will also be asked to adopt the plans. Once the plans are adopted and the MOAs have been entered into, each municipality will have a representative appointed to a watershed project advisory committee to oversee implementation of the plan's goals and objectives.

Mr. Gladstone explained that some of the benefits of the MOA are funding opportunities, noting that he and Executive Director SWCD Rick Weidenbach recently negotiated funding with NYC in the amount of \$8.2 million to be spent over the next five years. Over half of that amount is implementation money. Additional benefits from funding is the opportunity to offer assistance and training to highway superintendents on issues such as culverts, erosion, stormwater and vegetation, and technical assistance/training to planning boards on issues related to stream and stormwater management, and flood plain management. Increased funding would also allow SWCD to work with the DCAP partners to provide training, guidance and technical support for flood preparation, response and recovery plans.

Mrs. Johnson-Bennett pointed out that there are other benefits of MOA such as the Streamline Assistance Programs, the Catskill Watershed Corporation Stream Corridor Protection Program and the Conservation Reserve Enhancement Program for farmers.

In conclusion, Mr. Gladstone said the goal for the future is to have SWCD assist and not lead communities in stream management. The SWCD is not a regulatory agency and would prefer to be used by the municipalities as resource rather than being in a position of telling the municipality what to do.

Chairman Eisel thanked Mr. Gladstone and Mrs. Johnson-Bennett for their informative presentation.

For Standing Committee Reports Chairman of the Public Works Committee Leonard Utter provided an update on the Committee's work with regard to the transfer to the Town of Deposit DPW infrastructure located in Deposit. The Deposit Town Board voted to accept the proposal by DPW and a resolution will be presented at the next Board of Supervisors meeting.

Mr. Axtell advised that the proposal was reviewed and researched by the Town Board and they felt this transfer of infrastructure is a good deal for them.

For Standing Committee Reports, Chairman of the Social Services Committee Peter Bracci introduced Commissioner of Social Services William Moon to provide an update on a Department of Justice grant.

Commissioner Moon pointed out that in 2005 the counties of Chenango, Delaware, Otsego and Schoharie received grant funding in the amount of \$250,000 to implement a program that would deal with juveniles exhibiting sexually offending behaviors.

The first action taken as part of the implementation of the grant was the opening of the Kortright House where an average of four to five youths resided over a two year period. Clinical Psychologist Richard Hamill, Ph.D. acting as the County's research coordinator and consultant developed the profiles on the youth and helped to train the staff of the Kortright house and the staff of the County's Mental Health, Probation and Social Services departments that would be working with these youths. As of August 31<sup>st</sup>, the Kortright house was closed and the remaining youths were integrated into the broader agency operated program.

Commissioner Moon stated that the Kortright Program helped to develop a therapeutic model connecting the sexually offending youth with one home using the same program as that of the Kortright house. Rather than a group of offenders housed together, the new model will work with one youth at a time. The model is acceptable to the Department of Justice and will be replicated in the counties of Chenango, Otsego and Schoharie.

He referenced the handout placed on each desk entitled: *Catskill Region Coalition for Sexual Offender Management a Juvenile Focus*, noting that the information provides an overview of what the four counties have done in the last two years. A portion of the Department of Justice grant is to be used to provide the four county region with information, resources and an ability to better understand why youths offend sexually, how they should be treated, what alternatives a community has, and what alternative treatment agencies have in order to make a positive impact.

Commissioner Moon invited the Board of Supervisors to attend a workshop entitled: *Risk and Resilience: Youth Who Commit Sex Offenses*, on Monday, September 15<sup>th</sup> and Tuesday,

September 16<sup>th</sup>, at the Oneonta Holiday Inn. The workshop, which is funded by the Department of Justice grant and sponsored in part by the Department of Social Services, is being presented by Sue Righthand, Ph.D. Dr. Righthand is a Clinical Psychologist who developed the sole juvenile sex offender assessment tool, know as JSO.

Mr. Hynes offered the following resolution and moved for its adoption:

**RESOLUTION NO. 150**

**TITLE: 2008 BUDGET AMENDMENT  
O'CONNOR GRANT MONEY FOR DAY CAMP  
OFFICE FOR THE AGING**

**WHEREAS**, the Delaware County Office for the Aging and Cornell Cooperative Extension have formed a partnership to design a camping experience for adults at Camp Shankitunk; and

**WHEREAS**, the Agency has applied for funding from the O'Connor Foundation to assist them in the development and implementation of this initiative; and

**WHEREAS**, the Agency has received approval from the O'Connor Foundation for a \$5,000.00 grant

**THEREFORE, BE IT RESOLVED**, that the Office for the Aging be authorized to accept this grant money to fund an adult day camp program.

**NOW THEREFORE, BE IT FURTHER RESOLVED**, that the 2008 budget be amended to accept the grant money as follows:

**REVENUES:**

10-16772-42270604/6772030/977	OFA Grants from O'Connor	\$5,000.00
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**APPROPRIATIONS:**

10-16772-54327000/6772030/977	General Grant Related Expenses	\$5,000.00
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The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

Mr. Hynes offered the following resolution and moved for its adoption:

**RESOLUTION NO. 151**

**TITLE: 2008 BUDGET AMENDMENT  
VOTER EDUCATION/POLL WORKER TRAINING AND  
POLL SITE ACCESS GRANT  
BOARD OF ELECTIONS**

**WHEREAS**, the Delaware County Board of Elections has been awarded additional funding for the Voter Education/Poll Worker Training Grant for New York State in the amount of \$1,398.25 that requires a 5% county match to provide training to the public and poll workers regarding the new voting machines; and

**THEREFORE, BE IT RESOLVED** that the following 2008 budget amendment be authorized:

**INCREASE REVENUE**

10-11450-43308000	State Board of Elections Grant	\$1,398.25
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**INCREASE APPROPRIATION**

10-11450-54327000	General Grant Related Expense	\$1,398.25
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The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

Mr. Maddalone offered the following resolution and moved its adoption:

**RESOLUTION NO. 152**

**TITLE: AUTHORIZATION FOR AWARD  
DEPARTMENT OF EMERGENCY SERVICES**

**LETTING OF AUGUST 20, 2008**

**WHEREAS**, Delaware County has received a grant from Homeland Security for 2008 for the purchase of equipment; and

**WHEREAS**, a Mass Casualty Incident Trailer was approved in the grant; and

**WHEREAS**, notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney.

**NOW, THEREFORE BE IT RESOLVED**, that the Delaware County Department of Emergency Services is authorized to make award to the lowest bidder meeting specifications as

follows:

Mass Casualty Incident Trailer to: Disaster Response Solutions  
PO Box 193  
Milford, OH 45150

Bid Price: \$20,364.47

The resolution was seconded by Mr. Utter.

In answer to Mr. Marshfield, Director of Emergency Services Richard Bell explained that the trailer is going to be stored outside at the Delaware County Correction Facility and Public Safety Complex Building with the possibility of being moved to the fire training center in the Town of Hamden. The trailer provides the County with the capability of bringing medical supplies and equipment to large scale incidents. He pointed out that this purchase is part of the Homeland Security Grant.

Mr. Maddalone commented that the Mass Casualty Incident Trailer is a very sophisticated unit and is more than just a trailer.

Mr. Bell added that the trailer will contain 50 complete modules to treat patients at the scene. The trailer is well packaged and designed.

In response to Chairman Eisel, Mr. Bell stated that the trailer can be pulled with a regular vehicle.

The resolution was adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

Mr. Utter offered the following resolution and moved its adoption:

**RESOLUTION NO. 153**

**TITLE: AUTHORIZATION FOR AWARDS -  
DEPARTMENT OF PUBLIC WORKS**

**LETTING OF SEPTEMBER 3, 2008**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 33-08 County Route 28 Retaining Wall Replacement to:  
Procon Contracting, LLC  
PO Box 1037  
Vestal, NY 13851  
Bid Price: \$232,000.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Haynes.

In answer to Mr. Meredith, Mr. Utter replied that the replacement of this retaining wall is not covered by FEMA.

Mr. Utter said in response to Mr. Maddalone, the project is located in the Town of Hancock.

Commissioner Reynolds explained in reply to Mr. Marshfield, that this project is the result of a high flow event in July 2008.

The resolution was adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

Mr. Utter offered the following resolution and moved its adoption:

**RESOLUTION NO. 154**

**TITLE: AUTHORIZATION FOR AWARDS -  
DEPARTMENT OF PUBLIC WORKS**

**LETTING OF SEPTEMBER 3, 2008**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. SW4-08 Supply & Installation of Synthetic Landfill Cover to:  
Landfill Service Corporation  
2183 Pennsylvania Avenue  
Apalachin, NY 13732

Bid Price: \$30,540.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Haynes.

In answer to Mr. Bracci, Mr. Utter explained that the landfill cover will seal the garbage in the cell before it is completely covered.

The resolution was adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

Mr. Utter offered the following resolution and moved its adoption:

**RESOLUTION NO. 155**

**TITLE: CHANGE ORDERS TO PROPOSAL NO. SW01-08  
CONTRACT LANDFILL GAS COLLECTION SYSTEM - PHASE 1  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 40 of 2008 authorized the Public Works Department to make award to Upstate Utilities, Inc. for the general construction of the landfill gas collection system at the Delaware County Solid Waste Management Center; and

**WHEREAS**, installation of a geomembrane raincap over exposed side slopes of Cell 5 will provide for improved performance of the landfill gas collection system, and will further reduce costs for long term maintenance and operations;

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works be authorized to execute the change order listed below:

PROPOSAL NO. SW01-08 Landfill Gas Collection System - Phase 1  
Upstate Utilities, Inc.  
20 Transport Dr  
Rochester, NY 14623

Change Order No. 1 totaling a net increase of \$84,000.00 raising the maximum amount payable to \$554,905.00.

The resolution was seconded by Mr. Haynes.



In answer to Mr. Meredith, Mr. Utter said that this resolution is tied into the Delaware County Electric Cooperative (DCEC) methane gas project at the landfill.

Mr. Marshfield commented that the DCEC finally obtained a good methane level at the landfill of 56 percent. The flares are operating and destroying about 95 percent of the methane gas that would ordinarily be going into the atmosphere. He advised that DCEC does not have a settled interconnect policy with NYSEG at this time. He further noted that the gas engine has not been fired up.

In answer to Chairman Eisel, Mr. Marshfield said that he did not believe the percentage of methane would increase by much. He said that it could be expected that the methane would eventually taper off.

In response to Mr. Homovich, Mr. Marshfield said that he did not think that the DCEC had looked into the possibility of drilling for natural gas in the area and connecting it to a tieline.

Mr. Marshfield explained in answer to Chairman Eisel, that DCEC has a million dollar gas engine that would not be operative if the methane gas ran out.

Mr. Homovich suggested that the gas engine be converted to run on natural gas once the methane tapers off. He noted that this is an ideal location to see if a gas company would come in. The proceeds of the gas could be shared with the County and town.

Chairman Eisel granted Mr. Marshfield's request to abstain from voting as he is employed by the DCEC.

The resolution was unanimously adopted.

Mr. Utter offered the following resolution and moved its adoption:

#### **RESOLUTION NO. 156**

#### **TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE (NRCS) DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, under the provisions of section 216 of Public Law 81-516, Emergency Watershed Protection Program, and Title IV of the Agricultural Credit Act of 1978, Public Law 95-334, NRCS is authorized to assist local sponsors in relieving hazards created by natural disasters that cause a sudden impairment of the watershed; and

**WHEREAS**, the NRCS has secured funding for hazards created by the June 2007

flooding; and

**WHEREAS**, the Department of Public Works has applied for projects to be completed under this program and has been notified that one of the projects is eligible; and

**WHEREAS**, funding for the project will be 75% Federal and 25% County with the County also having financial responsibility for the acquisition of environmental permits and property easements.

**NOW, THEREFORE, BE IT RESOLVED**, that the Chairman of the Board is herewith authorized to enter into an agreement with the NRCS for the eligible project identified as:

County Route 7, Bridge 7-6	\$82,000
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The resolution was seconded by Mr. Haynes and unanimously adopted.

Mr. Utter offered the following resolution and moved its adoption:

**RESOLUTION NO. 157**

**TITLE: PURCHASE OF HIGHWAY RIGHT OF WAY  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Delaware County Department of Public Works has entered into an Agreement with the New York State Department of Transportation to receive Federal Aid under PIN 9752.99 for the reconstruction of County Bridge 2-2, BIN 3352470, and its approaches; and

**WHEREAS**, the new structure and highway realignment will require additional right of way; and

**WHEREAS**, the Department of Public Works has followed all the federal requirements for acquiring highway right of way including certified appraisals and appraisal reviews; and

**WHEREAS**, the Board of Supervisors is authorized to provide such right of way pursuant to the provisions of Section 118 of the Highway Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Delaware County Department of Public Works is authorized to purchase the following parcels in the Town of Hamden for the respective amounts including damages.

Map No. 2 Parcel No. 2	0.385 Acres	Fee
Map No. 3 Parcel No. 3	0.163 Acres	Temporary Easement
Linda S. Caputo (Gray)		\$50,000.00

The resolution was seconded by Mr. Haynes.

In response to Mr. Marshfield, Commissioner of Public Works Wayne Reynolds answered that he did not believe Ms. Caputo was happy, but that she had accepted the offer. This has been a long drawn out affair for her and she has accepted that this project is going through. She has been very professional through it all and that has been appreciated.

Commissioner Reynolds explained that the federal government had to be involved. The County obtained a certified appraisal which was submitted to the New York State Department of Transportation (NYSDOT). The NYSDOT did not accept the appraisal. The offer was made to Ms. Caputo based on what the NYSDOT had approved. That offer was turned down by Ms. Caputo and several counter offers were made. Finally, in consultation with the Federal Highway Administration (FHWA) and NYSDOT an agreement was reached.

In reply to Mr. Marshfield, Commissioner Reynolds explained that nothing can be done without FHWA approval without running the risk of losing funding for this project.

The resolution was adopted by the following vote: Ayes 4333, Noes 128 (Marshfield), Absent 345 (Rowe).

Mr. Utter offered the following resolution and moved its adoption:

#### **RESOLUTION NO. 158**

##### **TITLE: HIGHWAY RIGHT OF WAY DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Delaware County Department of Public Works has a long history of road flooding issues on County Route 21 at the intersection of County Route 21 with Ed Klug Road in the Town of Franklin; and

**WHEREAS**, the flooding causes both safety concerns for the traveling public during the event and physical damage to the roadway and shoulder that has to be repaired after the event; and

**WHEREAS**, this flooding damage occurs on a very frequent basis; and

**WHEREAS**, the flooding occurs when storm water runoff exceeds the capacity of a dry laid stone aqueduct that is about 175 feet long and runs under the lawn of the house on Town of Franklin Tax Map number 166.-1-2.1; and

**WHEREAS**, the landowner is willing to allow the aqueduct to be removed and the stream to be restored to an open channel with a flood plain provided that he gets a replacement

driveway to both his house and his barn.

**NOW, THEREFORE, BE IT RESOLVED**, that the Delaware County Department of Public Works is authorized to construct a new driveway to the barn that will access the Ed Klug Road and construct a precast concrete slab driveway structure to the house in return for the returning the stream to an open channel which will reduce the threat of flooding of the County Road.

The resolution was seconded by Mr. Maddalone and unanimously adopted.

Mr. Utter offered the following resolution and moved its adoption:

**RESOLUTION NO. 159**

**TITLE: ABANDONMENT OF RIGHT OF WAY  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Department of Public Works realigned a portion of County Route 33 as part of Project 131 of 1973; and

**WHEREAS**, the construction plans show that the old alignment be abandoned , and further show that the old road be scarified and seeded which was not done at that time; and

**WHEREAS**, the owners of the property abutting the former CR 33 have asked that the former right of way over their property be conveyed to them; and

**WHEREAS**, the former right of way is of no use to the County.

**NOW, THEREFORE, BE IT RESOLVED** that the County convey their interest of the former right of way to the landowner by quit claim deed; and

**BE IT FURTHER RESOLVED** that the Chairman of the Board of Supervisors is authorized to execute said quit claim deed and related documents on behalf of the County.

The resolution was seconded by Mr. Haynes.

In answer to Mr. Marshfield, Mr. Haynes said this is a section of Brown Out Road.

The resolution was unanimously adopted.

Mr. Hynes offered the following resolution and moved its adoption:

**RESOLUTION NO. 160**

**TITLE: DESIGNATION OF DELAWARE COUNTY AS LEAD AGENCY FOR THE  
ADOPTION OF THE EAST AND WEST BRANCH DELAWARE RIVER STREAM  
CORRIDOR MANAGEMENT PLANS  
PLANNING DEPARTMENT**

**WHEREAS**, the Delaware County Soil and Water Conservation District (SWCD) was funded by the New York City Department of Environmental Protection (DEP) to prepare Stream Corridor Management Plans for the East and West Branches of the Delaware River as part of the Environmental Protection Agency (EPA) requirements for filtration avoidance; and

**WHEREAS**, the Delaware County Planning Department (DCPD) assisted in the review of the West Branch Stream Corridor Management Plan; and

**WHEREAS**, the SWCD subcontracted with the DCPD for preparation of the East Branch Stream Corridor Management Plan; and

**WHEREAS**, the adoption of a comprehensive resource management plan is a Type 1 action under 6 NYCRR Part 617 State Environmental Quality Review (SEQR); and

**WHEREAS**, each municipality will be requested to adopt one or both plans as they pertain to their community; and

**WHEREAS**, Type 1 actions require a coordinated review under the SEQR Act;

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors declares lead agency for the adoption of both plans and will coordinate the environmental review with the other involved agencies, towns and villages.

The resolution was seconded by Mr. Maddalone and unanimously adopted.

Mr. Donnelly offered the following resolution and moved its adoption:

**RESOLUTION NO. 161**

**TITLE: PROCUREMENT POLICIES AND PROCEDURES  
RESCIND RESOLUTION NO. 316 OF 1992**

**WHEREAS**, Resolution No. 316 of 1992 established the County's procurement policy in accordance with Section 104-b of General Municipal Law(GML); and

**WHEREAS**, over the past five years, the limits set in 1992 have become increasing

unreasonable, causing some Departments a considerable amount of time in effort in making even minor purchases; and

**WHEREAS**, there are certain limits established by GML that cannot be changed but there is some flexibility within the limits.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors rescind Resolution 316 of 1992 and adopt the following procurement policies and procedures:

Guideline 1. All purchases of supplies or equipment which will exceed \$10,000 in the fiscal year, or public works contracts over \$20,000 shall be formally bid pursuant to GML, Section 103.

Guideline 2. All estimated purchases of:

A. Less than \$10,000 but greater than \$7,000 require a written request for proposal (RFP) and written/fax quotes from three (3) vendors when available.

B. Less than \$7,000 but greater than \$3,000 require an oral request for the goods and oral/fax quotes from two (2) vendors when available.

C. Less than \$3,000 but greater than zero are left to the discretion of the Purchaser.

Guideline 3. All Estimated Public Works Contracts

A. Less than \$20,000 but greater than \$17,000 require a written RFP and fax /proposals from three (3) contractors when available.

B. Less than \$17,000 but greater than \$7,000 require a written RFP fax/proposal from two (2) contractors when available.

C. Less than \$7,000 but greater than zero are left to the discretion of the Purchaser.

Guideline 4. Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 5. The lowest responsible proposal or quote shall be awarded the purchase of public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the County of Delaware and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgement shall also be documented and filed with the record supporting the procurement.

Guideline 6. A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 7. Except when directed by the Delaware County Board of Supervisors, no solicitation of written proposals or quotations shall be required under the following circumstances:

- (a) Acquisition of professional services;
- (b) Emergencies;
- (c) Sole source situations;
- (d) Goods purchased from agencies for the blind or severely handicapped;
- (e) Goods purchased from correctional facilities;
- (f) Goods purchased from another governmental agency;
- (g) Goods purchased at auction;
- (h) Goods purchased for less than \$250.00;
- (i) Public works contracts for less than \$500.00.

The resolution was seconded by Mrs. Capouya.

In answer to Mr. Homovich, Clerk of the Board Christa Schafer explained that the original Procurement Policies and Procedures was adopted in 1992. This resolution affects Guideline 1, 2 and 3.

Chairman Eisel stated in response to Mr. Valente, that Guideline 7 is in accordance with State law.

County Attorney Richard Spinney answered in reply to Mr. Valente, that \$10,000 was the limit at public auction. Emergencies are an exception that is set forth in the General Municipal Law. Public bidding does not apply to emergencies. An emergency is generally determined by the Commissioner of Public Works in discussion with the County Attorney.

In answer to Mr. Homovich, Mr. Spinney said that the policy can not only be applicable to the Department of Public Works, it must apply to all the County departments. The policy would be monitored ultimately by the Finance Committee.

Mr. Spinney answered in reply to Mr. Homovich that the resolution meets the legal requirements. He pointed out that the amounts set forth in the resolution may be determined by the Board of Supervisors.

Commissioner Reynolds commented that when the original limits were established in 1992 they were reasonable limits, with inflation, these amounts are no longer reasonable. It is very hard to purchase something for less than \$1,000 when you consider the cost of freight to deliver an item. The department ends up going through a great deal of paperwork and time to document each purchase. What the department has done is apply reasonable inflation rates to the 1992 figures to bring them up to 2008.

In answer to Mr. Homovich, Mr. Spinney pointed out that the policy has not been reviewed since 1992. Pursuant to state law, the policy must be reviewed every year.

The resolution was adopted by the following vote: Ayes 3900, Noes 561 (Walton), Absent 345 (Rowe).

Mr. Haynes offered the following resolution and moved its adoption:

## **RESOLUTION NO. 162**

### **TITLE: BENEFITS FOR ACTIVE DUTY RESERVISTS PERSONNEL DEPARTMENT**

**WHEREAS**, Resolution No. 129 of 2006 established County benefits for active duty reservists as a result of the war with Iraq; and

**WHEREAS**, the continued fighting in Iraq has required many reservists to have to serve multiple or extended tours of duty overseas; and

**WHEREAS**, these absences have been at great sacrifice on the part of the reservists and their families; and

**WHEREAS**, in September of 2001, Governor Pataki announced that the State was providing special military benefits for employees who were federally activated in connection with the events of September 11, 2001; and

**WHEREAS**, these special military benefits included up to an additional 30 calendar days or 22 workdays of Supplemental Military Leave at full pay during a period of ordered duty for employees who had exhausted their entitlement to paid military leave under Section 242 of the State Military Law; and

**WHEREAS**, with Advisory Memorandum No. 2008-01 dated January 2008 the State



extended those benefits through December 31, 2008; and

**WHEREAS**, the County Board of Supervisors supports our reservists serving in Iraq and their families

**NOW THEREFORE BE IT RESOLVED**, that those County employees called to active duty in conjunction with the current crisis during 2008 will, inclusive of the time allowed by Section 242 of the Military Law and the benefits identified in resolution No. 129 of 2006, receive the following benefit:

- following exhaustion of the leave provided under section 242, employees are entitled to up to an additional 30 calendar days or 22 working days of military leave at full pay during an extended or multiple periods of ordered duty.

The resolution was seconded by Mr. Marshfield.

In answer to Mr. Marshfield, Chairman Eisel said that there are two employees currently active in the reserves.

The resolution was unanimously adopted.

Chairman Eisel waived Board Rule 10 to permit the introduction without objection of the following not pre-filed resolutions.

Mr. Maddalone offered the following resolution and moved its adoption:

### **RESOLUTION NO. 163**

#### **TITLE: APPROVAL TO APPLY FOR FUNDS FROM THE NEW YORK STATE DIVISION OF HOUSING FOR THE PURPOSE OF PARTICIPATING IN THE GREATER CATSKILLS FLOOD REMEDIATION PROGRAM EMERGENCY SERVICES**

**WHEREAS**, Delaware County has experienced widespread catastrophic flooding, adversely affecting many of its towns and villages, warranting the declaration of a countywide "State of Emergency" on numerous occasions since 2004; and

**WHEREAS**, Senator John Bonacic and the New York State Division of Housing has announced funds available for a voluntary flood buyout program known as the Greater Catskills Flood Remediation Program; and

**WHEREAS**, Delaware County has been allocated an amount not to exceed \$2,000,000.00 for the purpose of purchasing homes that are considered as being likely to be

damaged again in future events; and

**WHEREAS**, the Delaware County All-Hazards Mitigation Plan was accepted by resolution no. 196 on August 23, 2006 by the Delaware County Board of Supervisors to ensure Delaware County eligibility for State and Federal Hazard Mitigation monies; and

**WHEREAS**, Delaware County must evaluate homes of interested residents, have eligible homes appraised and provide a completed environmental review to the NYS Division of Housing by November 13, 2008;

**NOW, THEREFORE, BE IT RESOLVED**, the Delaware County Board of Supervisors authorizes application to the NYS Division of Housing for an amount not to exceed \$2,000,000.00

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, the project team be authorized to evaluate homes, hire an appraiser and conduct all necessary environmental reviews necessary for the application.

The resolution was seconded by Mr. DuMond and unanimously adopted.

Mr. Donnelly offered the following resolution and moved its adoption:

**RESOLUTION NO. 164**

**TITLE: SALE OF TAX ACQUIRED PROPERTY**

Resolved that the following described parcels of tax acquired property be sold to the party indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon.

MID06TX.029

**ASSESSED TO:**

TOWN OF:

TAX MAP NO:

SCHOOL DISTRICT:

ACREAGE:

CONVEYED TO:

CASH CONSIDERATION:

**WIGDOR MENDLOVIC**

124601:MIDDLETOWN

287.17-1-11.2

124601:MARGARETVILLE

0.46A ACRES

WIGDOR MENDLOVIC

543 BEDFORD AVE

PO BOX 212

BROOKLYN NY 11211

\$4,535.10

TAX DEFICIT: \$3,550.23

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

Mr. Donnelly offered the following resolution and moved its adoption:

**RESOLUTION NO. 165**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,240,153.46 are hereby presented to the Board of Supervisors' for approval of payment;

**NOW, THEREFORE, BE IT RESOLVED** that the County Treasurer be directed to pay said expenditures as listed below:

General Fund	\$1,067,179.42
OET	\$49,061.50
Risk Retention	\$206.00
Countryside Care Center	\$720.00
Highway Audits, as Follows:	
Road	\$8,765.56
Machinery	\$100,156.63
Capital Road & Bridge	\$885,394.35
Capital Solid Waste	\$7,711.87
Solid Waste/Landfill	\$120,958.13

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

Chairman Eisel appointed the following individuals as Emergency Public Information Officers:

Primaries

Mark Hamilton

Commissioner of Watershed Affairs Dean Frazier

Treasurer Beverly Shields

Alternates

Director of Alcohol and Drug Abuse Services Cindy Heaney

Director of Economic Development Glenn Nealis  
Director of Real Property Tax Services Mike Sabansky  
Personal Director Teddie Storey

Chairman Eisel appointed Lori Paulson from Economic Development to the Southern Tier East Regional Planning Board to replace Glenn Nealis.

Upon a motion the meeting adjourned at 8:20 p.m.